

amended
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 19.8(a)(1), C.M.A.P. per Sec. 504.
Lot 1 - To allow 30' window to tract boundary in lieu of 35' window to tract boundary.
Lot 2 - To allow 30' window to tract boundary in lieu of 35' window to tract boundary.
Lot 2 - To amend FDP to allow 30' to tract boundary in lieu of 35' to tract boundary shown on FDP.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Unless requests are granted, Petitioners will not be able to construct marketable houses on each lot, resulting in loss of more than \$43,000 per lot.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I, we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
City and State: _____
Attorney's Telephone No.: _____

Legal Owner(s): _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____

MAP, N.C. 10-F
D.D. 11
DATE: 10-11-89
BY: J.R.H.
OF: G.Z.E.

ORDERED By The Zoning Commissioner of Baltimore County this _____ day of _____, 1989.
That the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1989, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County

IN RE: PETITION FOR ZONING VARIANCE
NE/S Naygall Road, 760' NE of
Glen Mill Road
(Lots 1 & 2 Naygall Road)
11th Election District
5th Councilmanic District
Glen Mill Limited Partnership
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-157-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for Lots 1 and 2, and an amendment to the final development plan for Glen Mill Estates, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Bruce L. Brown, President, Sweet Air Properties, Inc., a General Partner, appeared, testified, and was represented by Dawn Oxley Muirgrave, Esquire. Also appearing on behalf of the Petition were Carly Broglie and Jacolyn M. Blunt. Appearing as a Protestant in the matter was Raymond J. Ewers, adjoining property owner.

Testimony indicated that the subject property, known as Lots 1 and 2 on Naygall Road, consist of 6,324 sq.ft. and 8,500 sq.ft., respectively, zoned D.R. 3.5, and are currently unimproved. Said property is part of the newly developed Glen Mill Estates housing subdivision. Testimony indicated that the subject property was purchased for the purposes of constructing two single family dwelling units. Upon application for building permits, Petitioners were advised that the dwellings proposed were too large for the lots in question and that zoning variances would be required. Testimony indicated that the plans were subsequently revised and the proposed homes modified to fit on the two lots. Petitioner testified the requested variances are necessary in order to build a home that is in

keeping with the character and nature of the other homes in the development and meet the required setbacks to the extent possible. Testimony further indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Mr. Ewers testified he owns the adjoining property at 9107 Naygall Road. After hearing Petitioner's testimony and reviewing the revised plans, Mr. Ewers indicated he would not be opposed to the requested 30-foot setback from the property line.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of November, 1989 that the Petition for Zoning Variance to permit a window to tract boundary setback of 30 feet in lieu of the required 35 feet for Lots 1 and 2, and an amendment to the final development plan for Glen Mill Estates, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall submit a revised site plan reflecting the actual dimensions of the two lots and the exact locations of the proposed dwellings on the lots prior to the issuance of any permits.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

CERTIFICATE OF PUBLICATION

Oct 13, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 12, 1989.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zabe Olson
Publisher

PO 17285

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 13, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 12, 1989.

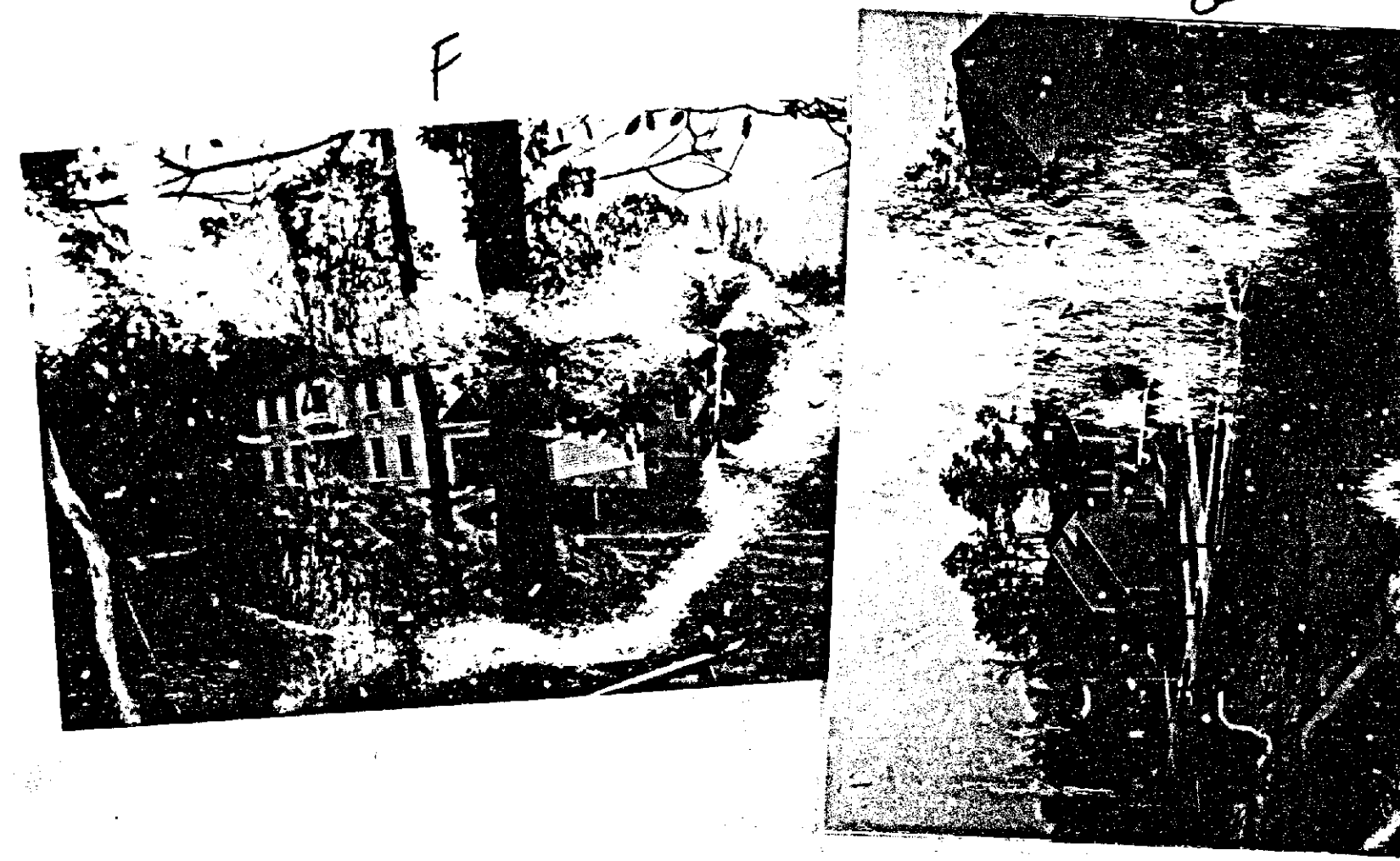
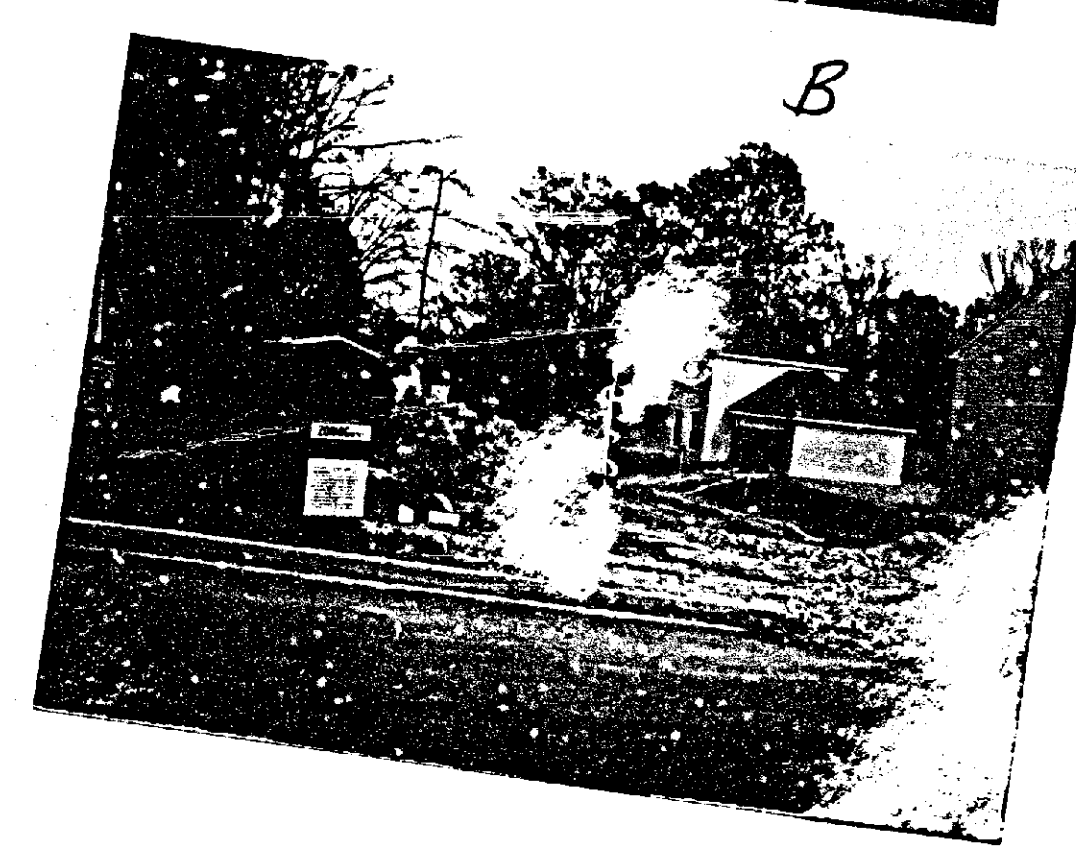
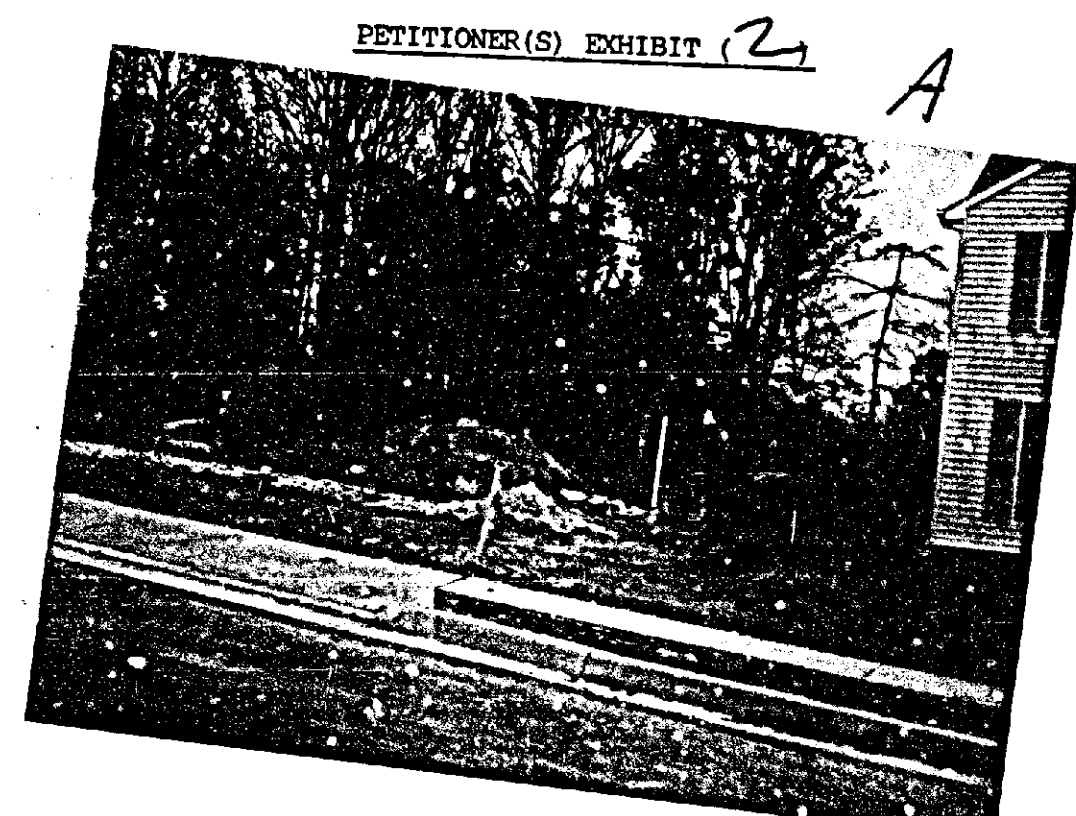
THE JEFFERSONIAN,

S. Zabe Olson
Publisher

PO 17285
reg 134233
90-157-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1174
Posted for: Various
Petitioner: Glen Mill Estates, Naygall Rd.
Location of property: NE/S Naygall Rd., 760' NE of Glen Mill Rd.
Lots: # 1 & 2
Location of Signs: Naygall Rd., approx. 1/2 mi. from intersection of Glen Mill Rd.
Remarks:
Posted by: J. Robert Haines
Signature: _____
Date of return: 10/27/89
Number of Signs: 1



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(410) 327-2223

Dear Ms. Muirgrave:

RE: PETITION FOR ZONING VARIANCE
NE/S Naygall Road, 760' NE of Glen Mill Road
(Lots 1 & 2 Naygall Road)
11th Election District - 5th Councilmanic District
Glen Mill Limited Partnership - Petitioners
Case No. 90-157-A

Dear Ms. Muirgrave:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for zoning variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

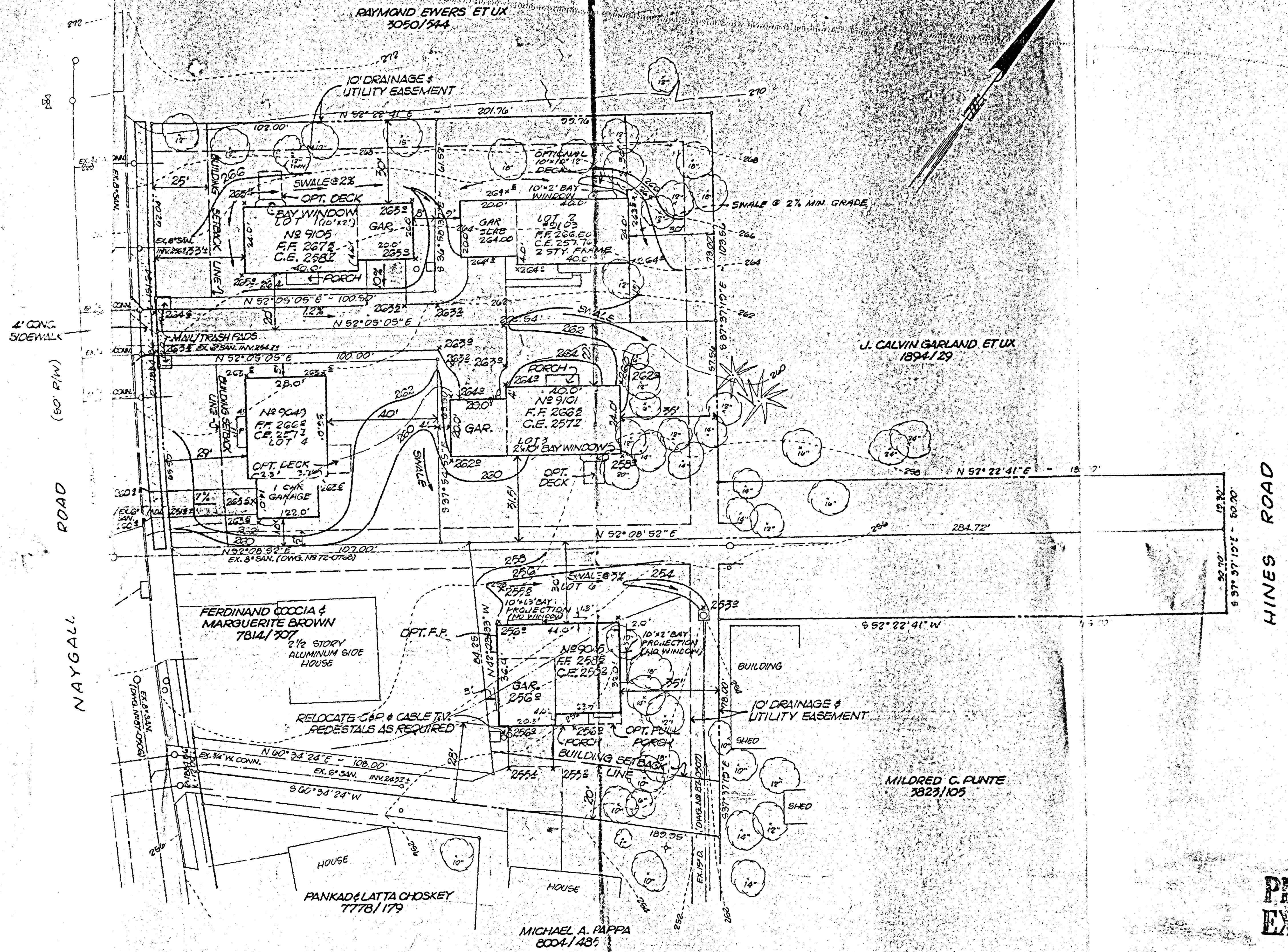
Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel
File





LOCATION MAP
SCALE: 1" = 2,000'

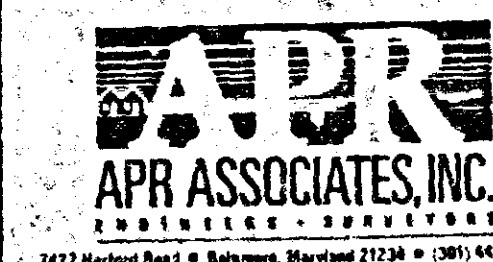


PETITIONER'S
EXHIBIT 3

PLOT PLAN

- LOT 1 - N 9105 NAYBALL RD.
- LOT 4 - N 9049 NAYBALL RD.
- LOT 5 - N 9045 NAYBALL RD.
- LOT 3 - N 9101 NAYBALL RD.
- LOT 2 - N 9103 NAYBALL RD.

REVISED APRIL 25, 1982
LOT 1 - APRIL 26, 1989
LOT 2 - MAY 3, 1989
LOT 3 - MAY 23, 1989



LOTS 1-6
GLEN MILL ESTATES
RESUBDIVISION
JOPPA VILLAGE
PLAT REFERENCE E.H.K., JR. 55/118
11TH ELEC. DIST. 5TH COUNCILMANIC DIST.
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'
MARCH 13, 1989
NS 57002